

Town Council Meeting: 14 December 2009



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Annual Council Dinner with Annapolis Delegation: 6:00 PM

Coffee and Dessert with Residents: 7:30 PM – An opportunity for Town residents to meet and talk with the District 17 delegation: Senator Jennie Forehand and Delegates Luiz Simmons and Jim Gilchrist (Delegate Kumar Barve was unable to attend).

Presentations by Annapolis Delegation: 7:45 PM

The above three events took place at the Garrett Park Estates Park Activity Building (Community Center/Nursery School), 4812 Oxford Street.

Regular Council Meeting

Call to Order: Mayor Keller called the regular meeting of the Town Council to order in the Garrett Park Town Hall at 9:00 PM. Present were Councilmembers Irons, Mandel, Petito, Schulp, and Wegner. Also present were Administrator Pratt, Margaret Soltan of the *Bugle*, Jennifer Beasley of the *Gazette*, Garrett Park Cooperative Nursery School Executive Board President Gerilee Bennett, Board Member Tara Flynn, Nursery School Director Brenda Artim, and a number of Town residents.

Approval of Agenda: The agenda was approved as posted without objection.

Presentations by Residents: Resident John King briefed the Council on the proposed White Flint development, including the status of the White Flint Sector Plan under consideration by the Montgomery County Council. Mr. King noted his participation, on behalf of the Garrett Park Citizens Association, with the White Flint Community Coalition. Mr. King discussed with the Council how best to get authoritative input from the Town for this fast-moving process, noting that there were two primary areas of concern: school over-crowding, and traffic congestion (the latter includes the future status of the Garrett Park MARC station). Mr. King asked the Council if it

wished to meet with representatives of the White Flint Partnership, a group including developers and landowners within the White Flint Sector Plan area. There was extended discussion as to how the Town could develop a position on the various potential issues for negotiations with the developers. Mayor Keller emphasized the need for adequate preparation and consistent representation if the negotiations were to have a chance of producing results that benefit Garrett Park. Councilmember Mandel noted that Garrett Park Estates hired independent professional assistance, with financial participation from the White Flint Partnership, in order to support their negotiations, and wondered if it was possible for the Town to do the same. It was the general consensus that professional assistance was essential to developing plausible positions on the issues posed by the proposed development. Mayor Keller suggested that the Council adopt a sense-of-the-Council resolution on the matter.

Councilmember Mandel **MOVED**

That the Council pursue the possibility of the Town retaining the services of the professional who was working with Garrett Park Estates, or a similarly-qualified independent consultant, and the prospect of obtaining financial participation for related expenses from the White Flint Partnership; further, that the Council authorize resident John King initially to research the availability and costs of retaining a professional and to report back to the Council for its consideration; if then agreed, to further authorize Mr. King to approach the White Flint Partnership regarding financial support for these costs. Councilmember Irons seconded the motion, and after brief discussion, the motion was **PASSED** unanimously.

Mayor's Report:

- Mayor Keller reported on the dinner with the Annapolis Delegation that was held just prior to the Council meeting at the Garrett Park Community Center, noting the comments by Senator Forehand and Delegates Simmons and Gilchrist as to the exceptionally difficult financial situation that faces the state in FY 2011.
- The Mayor further noted that at the Legislative Dinner held by the Montgomery Chapter of the Maryland Municipal League (MML) on December 10th it was announced that instead of its usual three legislative priorities for the upcoming session of the state legislature, MML was pursuing only one – the safeguarding of municipal revenues.
- Mayor Keller also reported that he had a long conversation with the Garrett Park Postmaster regarding three primary issues: 1) The need to restore hours to the daily operation of the Post Office, or, at a minimum, return to a lunch break and extend hours in morning and/or afternoon, as the current hours were unacceptable; 2) The need to restore capability for Town government and organizations that bulk mail only to the 20896 ZIP Code to tender bulk mail pieces at the Garrett Park Post Office rather than at the Regional Service Center; and 3) Establish a means by which patrons could collect packages when personnel were in the Post Office while the

counter was closed. The Town is pursuing these issues with the appropriate authorities.

Councilmember's Reports on Areas of Responsibility:

- Councilmember Irons reported that the Historic Preservation Committee was making good progress on the development of the interactive website and had been given an extension to March 30th by the County to complete its work, which was being partially funded by a County grant.
- Councilmember Irons also reported on the Land Use Task Force (LUTF), which had received on December 9th the response to its request for more detailed guidance from the Council. Councilmember Irons noted that much of the work was now with the LUTF's subcommittees, and that the December 17th meeting had been cancelled.

Approval of Minutes:

- Councilmember Mandel **MOVED**
That the minutes of the 10/12/2009 Regular Council Meeting be approved as corrected. The motion was seconded by Councilmember Wegner and was **PASSED** unanimously
- Councilmember Irons **MOVED**
That the minutes of the 11/09/2009 Regular Council Meeting be approved as distributed. Councilmember Schulp seconded the motion, which was **PASSED** unanimously.

Action/Discussion:

- Consideration of a Memorandum of Understanding (MOU) between the Town and the Nursery School Regarding the Acquisition, Rehabilitation, and Leasing of the Garrett Park Community Center – Mayor Keller noted that a draft resolution and MOU regarding the Community Center had been posted and circulated. Administrator Pratt noted that there were a number of proposed edits indicated in the draft before the Council, but that Councilmember Petito had a few more that needed to be considered. Mayor Keller asked for a motion in order to discuss the proposed resolution and MOU. Councilmember Irons **MOVED**
That the Council consider adoption of the proposed resolution and MOU as distributed. Councilmember Wegner seconded the motion. Mayor Keller asked Councilmember Petito to present his proposed edits to the distributed draft on the floor for consideration and the Council discussed those proposals briefly. Mayor Keller then asked if the mover and seconder accepted the edits as friendly amendments and Councilmembers Irons and Wegner indicated that they did. Mayor Keller called for the vote on the resolution and MOU, the text of which are attached to these minutes, and the amended resolution and MOU were approved unanimously.

Town Administrator Report:

- Monthly Financial Report - Administrator Pratt reviewed the monthly financial report with the Council and noted that he would have draft revisions to the FY 2010 budget for the Council's review before Christmas.

Adjournment: The meeting was adjourned at 10:18 PM

Respectfully Submitted,

[TOWN SEAL]

Edwin Pratt, Jr., Clerk-Treasurer

A Resolution Regarding
The Garrett Park Estates Local Park and Community Center

WHEREAS, the Montgomery County Parks Department (Parks Department) has informed the Town Council of its desire to transfer ownership of the property known as the Garrett Park Estates Local Park (Community Center) to the Town of Garrett Park (Town) 'in fee simple', with certain additional terms to be negotiated; and

WHEREAS, the same Community Center has, since its origins in 1948, always played a major role in the life of the Town of Garrett Park; and

WHEREAS, the Community Center has served as the home for the Garrett Park Cooperative Nursery School (Nursery School) since 1953; and

WHEREAS, both the Town and the Nursery School wish to see the Community Center continue to serve as the Nursery School's home and are also committed to making the facility available for a range of community activities; and

WHEREAS, the Nursery School has developed and wishes to implement plans to refurbish the Community Center building and grounds at no expense to the Town, creating an improved facility, including playgrounds, available for use by Town residents;

NOW, THEREFORE, it is, this 14th day of December 2009, by the Town Council of Garrett Park:

RESOLVED, that it is the intent of the Town to negotiate with the Parks Department to effect the transfer of ownership of the Community Center to the Town in as timely a manner as possible; and

RESOLVED, that upon successfully completing the transfer of ownership from the Parks Department, the Town intends to lease the entire property to the Nursery School as sole tenant for a period of at least 15 years, subject to the negotiation of mutually agreeable lease terms; and

RESOLVED, that the Town enter into a Memorandum of Understanding with the Nursery School regarding the leasing of the Community Center.

I, Edwin Pratt, Jr., Clerk-Treasurer of Garrett Park, hereby certify that the foregoing Resolution was adopted by the Town Council at its meeting on December 14th, 2009.

[TOWN SEAL]

Edwin Pratt, Jr., Clerk-Treasurer

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between the Town of Garrett Park (Town), a duly incorporated municipality in Montgomery County, Maryland, and the Garrett Park Cooperative Nursery School (Nursery School), a registered 501(c)(3) non-profit corporation, which operates a nursery school currently housed in the Garrett Park Estates Local Park Activity Building (Community Center).

The purpose of this MOU is to document the mutual commitment of the Town and the Nursery School to insure the continued operation of the school at the Community Center.

The Town agrees to continue its negotiation of the transfer of ownership of the Community Center from the Montgomery County Parks Department (Parks Department) to the Town with the intent to conclude negotiations as quickly as possible while assuring that the Town receives proper title to the property.

The Town also intends, upon acquiring ownership of the Community Center from the Parks Department, to offer a sole-tenant lease of the property to the Nursery School for a term of not less than 15 years. The parties will negotiate such lease in good faith.

The Nursery School agrees to develop and implement plans to refurbish the Community Center building and grounds at no expense to the Town, creating an improved facility, including playgrounds, available for use by Town residents.

Both parties agree to use diligent efforts to support the other in the fulfillment of these commitments.

This MOU shall commence upon signing by the parties.

FOR THE TOWN OF GARRETT PARK

Christopher Keller, Mayor

Date: _____

FOR THE GARRETT PARK COOPERATIVE NURSERY SCHOOL

Gerilee Bennett, President, Executive Board

Date: _____